

CHAPTER 12. STREETS AND PARKS

Section 1200 - Use and Maintenance of Streets, Alleys, Sidewalks, Easements, Parks, and Other City Owned Property

1200.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection:

Alley. A public right-of-way owned by the City or over which the City owns an easement which is less than 30 feet in width and which is used or is usable as a public thoroughfare.

Boulevard. That portion of a street not occupied by the traveled portion of the street or a sidewalk.

Easement. An easement owned by the City for any public purpose.

Park. Property owned by the City which is used or is usable for park, recreation or open space purposes.

Public Grounds. Any land owned by the City, or over which the City owns an easement, including streets and alleys.

Sidewalk. An improved thoroughfare located on a public right-of-way or public easement limited to usage by pedestrians and non-motorized vehicles.

Street. A right-of-way owned by the City or over which the City owns an easement which is 30 feet or more in width and which is used or is usable as a public thoroughfare.

1200.02 Encumbrances or Obstructions.

Subd. 1 **Prohibited Encumbrances or Obstructions.** Except as provided in Subd. 2 of this Subsection, no person shall obstruct, encroach upon, encumber, or interfere wholly or partially, with any street, boulevard, alley, sidewalk, easement, park or public ground by placing or installing any of the following:

- A. Curbing or pavement.
- B. Fences or landscaping.
- C. Buildings or structures.
- D. Refuse, as defined in Section 705.
- E. Combustible materials.

- F. Implements, tools, boxes, merchandise, goods, or cans.
- G. Corn poppers, peanut roasters, ice cream containers, vending or food carts or islands.
- H. Construction material, including sand, gravel, sod or other earthen material.
- I. Snow or ice.
- J. Posts, pillars, or other supports for awnings, canopies or other structures.
- K. Signs.
- L. Wires or cables above a street, alley or sidewalk.

Subd. 2 **Exceptions.** The following are exceptions to Subd. 1 of this Subsection:

- A. Any activities undertaken by the City.
- B. The deposition of snow and ice by snow and ice removal operations of the City, County or State.
- C. The deposition of snow and ice from privately owned property provided that such snow and ice is deposited only upon boulevards which are adjacent to and not separated by the traveled portion of the street from the private property from which the snow or ice is removed.
- D. Vehicles parked on streets in accordance with Section 1400 this Code.
- E. Driveways installed and paved on a boulevard in accordance with the requirements of Section 1205 of this Code.
- F. Shade trees planted on boulevards, provided that the following species are prohibited unless permission is granted in writing by the Park Director:
 - 1. Willows.
 - 2. Elms.
 - 3. Box Elder.
 - 4. Cottonwood, aspen, poplar or other members of the genus Populus.
 - 5. Pine, spruce, fir, yew or other conifers.
 - 6. Silver maple.

G. Trees, shrubs, landscape materials, fences, driveways and parking lots installed on easements held by the City for underground utility purposes.

H. Trees and other plantings which overhang the traveled portion of streets or sidewalks provided that no portion of such tree or planting is less than 16 feet above the traveled portion of the street or less than 8 feet above the sidewalk.

I. Grass clippings and leaves placed in containers on boulevards subject to Subsection 705.04 of this Code.

J. Privately owned bus stop benches and street furnishings and publicly owned bus stop shelters placed on streets, sidewalks and boulevards subject to the written approval of the Engineer as to location so as to avoid danger to vehicles and pedestrians.

K. Newspaper vending machines and U.S. Postal Service drop boxes placed on sidewalks and boulevards subject to the written approval of the Engineer as to location so as to avoid danger to vehicles and pedestrians.

L. Awnings not supported by posts or pillars which extend over sidewalks provided that not less than eight feet of clearance is provided between the sidewalk elevation and the lowest point of the awning.

M. Mail boxes subject to U.S. Postal Service standards, provided that mail boxes which are integral to a structure must be approved in writing by the Engineer.

N. Installed sprinkler systems provided that the system shall be maintained by the owner of the adjacent property.

O. Wires or cables installed by a public utility.

P. Pushcarts as defined in Section 721 of this Code placed on sidewalks and public walkways within the area included in the plan prepared by the HRA entitled "50th and France Commercial Area Plan" dated December 3, 1974, subject to a permit issued pursuant to Subsection 1230.02 of this Code.

Q. Sidewalk cafes as defined by Section 1230.01 of this Code subject to a permit issued pursuant to Subsection 1230.07 of this Code.

1200.03 Sidewalks.

Subd. 1 **Snow and Ice Removal.** All snow and ice shall be removed from a sidewalk by the owner of the property adjoining the sidewalk within 48 hours of the cessation of the precipitation.

Subd. 2 **Maintenance of Sidewalks.** No owner of any property adjoining a sidewalk shall permit any plank, brick, stone or segment of the sidewalk to be raised above the

established level of the sidewalk by more than one half inch or permit any holes or depressions to occur in which a pedestrian may trip.

Subd. 3 **Maintenance of Boulevards.** Every owner of property adjoining any public street or alley shall cause the grass or weeds to be cut or mowed from the lot line adjoining such street or alley to the center of such street or alley. The standards contained in Section 1050 of this Code shall apply to grass and weeds located on the boulevard.

Subd. 4 **Exemption.** Subd. 1 and Subd. 2 of this Subsection shall not apply to owners of property adjoining sidewalks that were constructed in whole or in part with Municipal State Aid Funds or sidewalks located upon rights-of-way controlled by the County or State.

1200.04 Miscellaneous.

Subd. 1 **Removal of Barricades.** No person shall remove, run over, relocate, or interfere with any barricade placed by the City, County, State, or any private utility company.

Subd. 2 **Uncompleted Construction.** No person shall walk upon or drive a motorized or non-motorized vehicle across any street, alley or sidewalk which has not been opened for travel by the public.

1200.05 Abatement of Nuisance. Any obstruction or encumbrance as described in Subd. 1 of Subsection 1200.02 or any snow or ice not removed from a sidewalk as provided in Subd. 1 of Subsection 1200.03 or any defect in a sidewalk as described in Subd. 2 of Subsection 1200.03 or grass or weeds not cut as provided in Subd. 3 of Subsection 1200.03 is hereby declared a nuisance. After at least seven days written notice to the person responsible for the nuisance, the City may cause said nuisance to be removed or abated and the cost of removal or abatement may be charged and assessed against the property owned by the person responsible for the nuisance. Such charge and assessment shall be done pursuant to Subd. 4 of Subsection 1200.06. When so assessed, the cost shall be certified to the County Auditor for collection as other taxes are collected. The name and address of the person responsible for such nuisance shall be obtained from records maintained by the Assessor.

1200.06 Work Undertaken by the City.

Subd. 1 **Items of Work.** Pursuant to Chap. 59, State Laws of 1988, the City may undertake the following items of work:

A. Removal of snow, ice and rubbish, including litter, from sidewalks, streets and alleys and public parking facilities.

B. Elimination of weeds, including aquatic weeds, from sidewalks, streets, alleys, waterbodies and other public or private property.

C. Sweeping, oiling, sprinkling or other dust treatment of public streets or alleys, including incidental maintenance work.

D. Trimming and care of trees and the removal of unsound or diseased trees on streets or alleys.

E. Repair of sidewalks and alleys.

F. Operation, including maintenance and repair, of lighting systems for streets, sidewalks and parking facilities.

G. Operation, including maintenance and repair, of public parking facilities, parks and related facilities.

H. Removal or elimination of health or safety hazards from private property, excluding any structure included under the provisions of M.S. 463.15 to 463.26.

Subd. 2 **Record of Cost.** The Engineer shall keep records of and report to the Clerk the actual cost of such work, or in the case of costs to be charged before the incurrence pursuant to Subd. 3 of this Subsection, the estimated cost of such work. Such records and reports shall include the cost of all the work done or to be done on any streets situated beyond the City boundaries pursuant to a cooperative or joint powers agreement with a neighboring municipality.

Subd. 3 **Collection Before Levy as a Special Assessment.** All costs incurred or to be incurred for such work shall be charged with such frequency as the Council by resolution shall determine, to each owner of each separate lot or parcel of land benefitted by such work, in proportion to the benefits conferred upon the lot or parcel. If any charge is made for a cost to be incurred and, based upon subsequent actual costs, is found to be excessive, subsequent charges shall be reduced by such excess, and if deficient, subsequent charges shall be increased by such deficiency. Any charge not paid in full by September 10 of each year shall be levied as a special assessment against the lot or parcel of land benefitted. Such charges shall not be made or levied against detached, single family housing for the operation, maintenance or repair of public parks and related facilities.

Subd. 4 **Levy of Assessment.** On or before September 15 of each year, the Clerk shall prepare an assessment roll assessing all costs of such work reported to the Clerk against each separate lot or parcel of land benefitted by the work, in proportion to the benefits conferred upon such lot or parcel, subject to the provision in Subd. 3 of this Subsection. Where such work is done pursuant to a cooperative or joint powers agreement between the City and a neighboring city, the cost of the work done by the City shall be spread against all lots or parcels of land abutting on the City side of the streets covered by the cooperative agreement. The Council shall examine such assessment roll submitted by the Clerk, and if satisfactory, shall call a public hearing and levy special assessments for the work in accordance with M.S. 429.061. All such special assessments shall be payable in a single installment or additional annual installments not to exceed the maximum number allowed by law with interest thereon as may be fixed by the resolution approving the special assessments, but not to exceed the highest rate allowed by law.

1200.07 Methods and Remedies. The methods and remedies authorized by this Section are in addition to any other methods or remedies available to the City by State Law or other provisions of this Code.

1200.08 Petty Misdemeanor. Any violation of paragraph C. of Subd. 2 of Subsection 1200.02 shall be a petty misdemeanor.

History: Ord 1201 codified 1970; amended by Ord 1201-A 12-6-73, Ord 1993-5 4-28-93, Ord 1994-6 12-27-94; Ord 1995-6 8-17-95; Ord 2003-12 12-16-03

Reference: M.S. Chapter 59, State Laws of 1988; 429.101, Subd. 2 & 3, 463.15 to 463.26

Cross Reference: Sections 705, 721, 1050, 1205, 1400; Subsections 705.04, 1230.01, 1230.07